

REMARKS/ARGUMENTS

Applicants have received the Office Action dated March 2, 2007, in which the Examiner: 1) rejected claims 25, 29, 33, 41 and 45-47 under 35 U.S.C. § 112, 2nd paragraph, as allegedly indefinite; and 2) rejected claims 22-47 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. With this Response, Applicants have amended claims 22, 25-26, 29-30, 33-34, 39, 41-42 and 45-47. Based on the amendments and arguments herein, Applicants respectfully submit that the claims are in condition for allowance.

I. REJECTIONS UNDER 35 U.S.C. § 112, 2ND PARAGRAPH

The Examiner rejected claims 25, 29, 33, 41 and 45-47 under 35 U.S.C. § 112, 2nd paragraph, as allegedly indefinite. Specifically, the Examiner asserted that the recitation of the term “type” in each of these claims is considered vague and indefinite.

Although Applicants disagree with the Examiner’s assertion and submit that the term “type” as used in these claims is definite and understandable by one of ordinary skill in the art, in the interest of compact prosecution, Applicants amend claims 25, 29, 33, 41 and 45-47. Specifically, in claims 25, 29, 33 and 41, Applicants replace each instance of the phrase “for a same type of item” with the phrase “for items having a common attribute,” which is clearly definite and is in accordance with 35 U.S.C. § 112, 2nd paragraph. In claims 45-47, Applicants replace each instance of the term “type” with the term “category,” which also is clearly definite and is in accordance with 35 U.S.C. § 112, 2nd paragraph.

Because Applicants have complied with the Examiner by amending these claims, Applicants kindly request the Examiner to remove this rejection.

II. REJECTIONS UNDER 35 U.S.C. § 101

The Examiner rejected claims 22-47 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Specifically, the Examiner asserted that the claims are not directed to “a practical application of an abstract idea” and that “they do not transform physical subject matter to a different state or thing nor produce a useful, concrete, tangible result.” Office Action, p. 3.

Amended claim 22 now requires “generating a report comprising information associated with at least one of the private information and the risk attributes.” Not only is this limitation a practical application of an abstract idea, but it is a useful, concrete and tangible result in accordance with MPEP 2106. For at least this reason, Applicants respectfully request that the Examiner remove the 35 U.S.C. § 101 rejection against claim 22 and dependent claims 23-25.

Each of the independent claims 26, 30, 34, 39 and 42 has been amended with a limitation similar to the limitation of claim 1 recited above. Thus, Applicants kindly request that the Examiner remove the 35 U.S.C § 101 rejection against the independent claims 26, 30, 34, 39 and 42 and their dependent claims 27-29, 31-33, 35-38, 40-41 and 43-47.

III. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Appl. No. 09/904,311
Amdt. dated May 9, 2007
Reply to Office action of March 2, 2007

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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